



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,978	01/14/2004	Leslie E. Ketko		7925

23354 7590 04/21/2005

LAW OFFICES OF DOUGLAS W RUDY LLC
14614 NORTH KIERLAND BLVD
SUITE 300
SCOTTSDALE, AZ 85254

EXAMINER

VASUDEVA, AJAY

ART UNIT PAPER NUMBER

3617

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/758,978

Applicant(s)

KETKO, LESLIE

Examiner

Ajay Vasudeva

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-14 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 15-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Art Unit: 3617

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following must be shown or the feature(s) canceled from the claim(s).

- Foam material stacked in layers, as set forth in claim 9.
- Flotation enhancing media being an air-tight bladder, as set forth in claim 10.

No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "**Replacement Sheet**" or "**New Sheet**" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities:

- In paragraph [0033], line 5, change "sew" to – **sewn** --.

Appropriate correction is required.

Art Unit: 3617

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

- Flotation enhancing media being an air-tight bladder, as set forth in claim 10.

Claim Objections

4. Claims 1 and 15 are objected to because of the following informalities:

- In claims 1 and 15 (line 3, respectively), before "floatation element", insert – **first** –.
- In claim 16 (line 2), after "second floatation", delete "**enhancing**"

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Gorny et al. (US 6,482,060 B1).

Re claim 1, Gorny et al. shows an infant carrier [11], and a flotation enhancing attachment having a flotation element [50] attached to the infant carrier. The flotation element is disposed under a peripheral flange [19] of the carrier so as to extend along a first side, around a back portion and along a second side of the carrier. (*see figure 3; and column 2, lines 54-64*).

Re claim 2, the infant carrier has a handle [34], and further has a second flotation element [50] attached around the handle of the carrier. (*see figure 2; and column 3, lines 9-18*).

Art Unit: 3617

Re claim 3, although not directly attached to the first flotation element, the second flotation element extends from proximate a first flank of the first flotation element to proximate a second flank of the first flotation element, the first and second flanks disposed adjacent the first and second sides of the carrier, respectively. Therefore, the second floatation element is considered as extending from the first flotation element proximate the first side of the carrier to a portion of the first flotation element that is proximate the second side of the carrier, as recited in the claim.

Re claim 19, the method of improving the carrier comprising attaching the flotation enhancing structure for supporting the carrier in an upright position is inherent in the construction of the carrier.

7. Claims 1, 4 and 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams (US 4,973,278 A).

Re claim 1, Williams shows a carrier [35] in the form of a seat, and a flotation enhancing attachment having a flotation element [11] attached to the carrier. The flotation element extends along a first side, around a back portion and along a second side of the carrier. (*See figure 3*).

The limitation "infant carrier" is considered similar to the intended use limitation "carrier for an infant", and therefore has been broadly interpreted to mean any such carrier that is capable of seating an infant. In the present case, the carrier of Williams is considered as capable of seating an infant, and therefore meets the requirement of the claim.

Art Unit: 3617

Re claim 4, a first strap [31, 32] is attached to the first flotation element. The first strap extends along a position that is in front of the seat, and is therefore considered as extending along the front of the seat.

A second strap [25, 26] is attached to the first flotation element, and is also attached to the seat. (*See figure 3*).

Re claim 15, a second floatation element [19] in the form of an inflated tube (see col. 5, line 64) is attached along the first flotation element. The second floatation element extends from the first flotation element proximate the first side of the carrier to a portion of the first flotation element that is proximate the second side of the carrier.

On line 6, the limitation "second floatation element capable of being attached to a handle of the infant carrier" (emphasis added) is an intended use limitation. As such, the second flotation element is considered capable of being attached to a handle of the carrier by any suitable means, such as a strap, if a handle were to be provided with the carrier.

Re claim 16, the first and second flotation elements are covered with a fabric cover [13], such as a resin treated canvas or a nylon canvas. (*See figure 2A; and col. 3, line 61; col. 5, lines 7-11; and 61-65; col. 6, line 55*).

Re claim 17, the first and second flotation elements are made of rubber, which is considered as being highly visible when viewed in daylight. (*Col. 6, line 60*).

Re claim 18, the fabric cover is made of resin treated canvas or nylon canvas. It is noted that canvas is a woven fabric, and therefore, both the resin treated canvas and the nylon canvas are considered as synthetic woven materials.

Re the method claim 19, the method of improving the carrier comprising attaching the flotation enhancing structure, such that the carrier is supported in an upright, normal, and stable position when placed in water, is inherent in the construction of the carrier.

Art.Unit: 3617

Re the method claim 20, the claim does not recite any method step but merely limits the claim by reciting the structure of the flotation enhancing attachment. As explained with respect to the claim 15, Williams shows all recited features and therefore meets the requirements of the claim.

Allowable Subject Matter

8. Claims 5-14 are allowed.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Each of the prior art references cited in the attached PTO Form 892 show flotation element(s) attached to a seat.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay Vasudeva whose telephone number is (571) 272-6689. The examiner can normally be reached on Monday-Friday 12:00 -- 5:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ajay Vasudeva
Examiner
Art Unit 3617

AV


AJAY VASUDEVA
PATENT EXAMINER
4/17/05